

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH M. SUTTON,

Petitioner,

v.

JOHN GAY, *et al*,

Respondents.

Case No. C07-5148RBL-KLS

ORDER DENYING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS

The Court, having reviewed the Report and Recommendation, petitioner's application to proceed *in forma pauperis* and the remaining record, hereby finds and ORDERS:

- (1) the Magistrate Judge's report and recommendation is approved and adopted;
- (2) petitioner's application to proceed *in forma pauperis* is DENIED;
- (3) petitioner shall pay the required filing fee (\$5.00) to the Clerk of the Court within 30 days of the date of this Order, otherwise this action will be dismissed; and
- (4) the Clerk is directed to send copies of this Order to petitioner and any other party that has appeared in this action.

DATED this 11th day of May, 2007.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE